

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA

v.

LEE BOYD MALVO

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CASE NUMBER 102888

**DISCOVERY AND INSPECTION ORDER**

THIS DAY came the Commonwealth of Virginia, by her Attorney, and the Defendant, by counsel, and moved the Court for entry of an Order governing the provision of discovery by the respective parties in this case, pursuant to Rule 3A:11, Rules of the Supreme Court of Virginia. Whereupon, the Attorney for the Commonwealth and counsel for the Defendant moved the Court to approve and order the following schedule of discovery and inspection in this case, which said Motion the Court granted; it is therefore

ADJUDGED and ORDERED that the Commonwealth of Virginia permit the Defendant to inspect, copy and/or photograph (1) all written or recorded statements or confessions made by the accused, or copies thereof, or the substance of any oral statements or confessions made by the accused to any law enforcement officer, the existence of which is known to the Attorney for the Commonwealth; (2) all written reports of autopsies, ballistics tests, fingerprint and handwriting analyses, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or alleged victim made in connection with this case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody or control of the Commonwealth; (3) all books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, that are to be introduced at trial by the Commonwealth in her case in chief; and any record of criminal convictions for felonies or offenses of moral turpitude of the Defendant and all persons to be called as witnesses for the Commonwealth, who may have such criminal record, if in the custody or possession of the Commonwealth; the said

record of the witnesses for the Commonwealth to be provided at the time of trial after the direct testimony of that witness, and

IT IS FURTHER ADJUDGED AND ORDERED that the Commonwealth of Virginia provide to the Defendant any evidence of an exculpatory nature, as defined in Brady v. Maryland, 373 U.S. 83 (1973), and those cases interpreting that opinion.

IT IS FURTHER ADJUDGED AND ORDERED that the Defendant permit the Commonwealth to inspect, copy and photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine and breath analyses, and other scientific tests that may be within the accused's possession, custody or control and which the defense intends to proffer or introduce into evidence at trial or sentencing.

IT IS FURTHER ADJUDGED AND ORDERED that the accused disclose whether he intends to introduce evidence to establish an alibi, and if so, that the accused disclose the place at which he claims to have been at the time of the commission of the alleged offense; and

IT IS FURTHER ADJUDGED AND ORDERED that the Commonwealth of Virginia and the Defendant provide the above-ordered discovery and inspection on or before the 14 day of April, 2003, at the office of the Commonwealth's Attorney, or at such other location as counsel may agree, *except that the Commonwealth's obligation to*

ENTERED this 3 day of March, 2003.

*disclose Brady material is ongoing. All Brady material will be disclosed promptly to the defendant, and may*

SEEN AND AGREED: */*

*U* JUDGE

Attorney for the Commonwealth *^*

*in some instances be disclosed after April 14, 2003.*

*/* Counsel for Defendant